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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087206,405	03/07/94	RIGGINS	P 11781

EINSMANN, M. EXAMINER

NIXON & VANDERHIE
ARTHUR R. CRAWFORD
1100 NORTH GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

ART UNIT	PAPER NUMBER
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1105

DATE MAILED 06/30/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on May 2, 1994 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input checked="" type="checkbox"/> <u>Interview Summary</u> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-13, 65 are pending in the application.
Of the above, claims are withdrawn from consideration.
2. ☒ Claims 14-64 have been cancelled.
3. ☐ Claims are allowed.
4. ☒ Claims 1-13, 65 are rejected.
5. ☐ Claims are objected to.
6. ☐ Claims are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on . Under 37 C.F.R. 1.84 these drawings are ☐ acceptable ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on , has been ☐ approved ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. ; filed on .
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Serial Number: 08/206,405

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Art Unit: 1105

Part III DETAILED ACTION

1. Applicants have filed a request for interference under CFR 1.607 a) with patent number ~~5,306,312~~^{5,207,813} and have filed a claim under CFR 1.607 (A)4 which corresponds to a proposed count. Before an interference can be declared, applicant must file an affidavit under CFR 1.608 alleging that there is basis upon which applicant is entitled to a judgement relative to patentee since patentee has an earlier filing date which is less than three months prior to applicants' effective filing date.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-13 and 65 are rejected under 35 U.S.C. § 102(e) as being anticipated by Holsten et al., U. S. patent 5,207,803.

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The process of these claims are anticipated by the examples of this patent. See example 1 in column 6 and example 6 in columns 7 and 8. Nomex/Kelvar blend fabric is dyed with a disperse dye at 270 F. at 2.85 atm for 60 minutes with DEET in the dyebath, and then rinsed in example 1. Example 6 repeats the process with the addition of a flame retardant. The claims of the reference claim the process steps as well as the fabric treated by said process.

4. Claims 1,4,7,10,12 and 65 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gruen, British patent 1,275,459.

See example 2A on page 4 column 2 and example 30 on page 7 column 1. Nomex is dyed at 100 C. for thirty minutes in a solvent which is dimethyl formamide in example 2A. Example 30 G substitutes tetraethyl urea, a 9 carbon amide, for the dimethyl formamide.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is (703) 308-308-3826.

Margaret Einsmann
patent examiner
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